REMARKS

Claims 1-20 are pending in the present application. Claims 1 and 8 are independent. Claims 15-20 have been added to more particularly define what applicants regards as their invention.

35 U.S.C. §102(e) Bortolotto Rejection

Claims 1-14 are rejected under 35 U.S.C. §102(e) as being anticipated by Bortolotto (USP 6,738,825). This rejection, in so far as it pertains to the presently pending claims, is respectfully traversed.

Bortolotto discloses a method and apparatus that provisions circuits in a network. Bortolotto determines which interface cards within the network element desire to receive a particular data stream. Such interface cards are added as destination nodes and added to a "cross-stitch matrix."

Bortolotto uses this cross-stitch matrix to maintain the data circuit within the network elements. It is important to recognize that this cross-stitch matrix only includes very basic information. As discussed in the paragraph-bridging column 7 and 8, Bortolotto states that this cross-stitch matrix only includes a destination point, a source point, a next drop point, and a previous point. This matrix is utilized to route the data stream across the network.

In sharp contrast, the presently claimed invention offers a more robust and adaptable method and apparatus for automatic end-to-end path provisioning. This robustness stems from the larger variety of path parameters obtained by the invention as recited in amended claims 1 and 8. The obtained path parameters include scheduled load and availability information for each network element of the network. Bortolotto simply fails to disclose or suggest obtaining such path parameters, particularly path parameters that include scheduled load and availability information for each network element of the network.

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Without such parameters, Bortolotto must also fail to disclose or suggest automatically performing discovery of paths including determining connection possibilities based on the path parameters or automatically provisioning end-to-end STS-n path based on the paths resulting from this discovery which, in turn, is based on the path parameters.

Bortolotto also fails to disclose or suggest the features of the new claims 15-20. For example, the dynamic allocation of bandwidth recited in claims 15 and 18 is a feature completely absent from Bortolotto particularly as further recited in claims 15 and 18. Still further, Bortolotto also fails to disclose or suggest the particularities of obtaining path parameters that are now recited in new claims 16 and 19, particularly the steps of comparing inventory responses with an inventory database, retrieving a default template corresponding to the network elements not yet provisioned and automatically provisioning the network elements not yet provisioned using parameter values defined by the retrieved default template as further recited in claims 16 and 19.

Bortolotto also fails to disclose or suggest any such default template particularly one that also includes a facility fault protection template as further recited in new claims 17 and 20.

Furthermore, dependent claims 2-7 and 9-20 are considered patentable at least due to their dependence on respective independent claims 1 and 8, which are argued above in detail.

For the above reasons, taken alone or in combination, applicants respectfully request the consideration and withdrawal of the Section 102(e) Bortolotto rejection.

Conclusion

Entry of the above amendments is earnestly solicited. An early and favorable first action on the merits is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael R. Cammarata (Reg. No.

39,491) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No.   for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: July 1, 2005   Respectfully submitted,

By_____
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